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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,549	06/27/2003	Jac Cheol Lyu	K-103C	7415

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EXAMINER

PERRIN, JOSEPH L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,549

Applicant(s)

LYU ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 7 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20051212</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 December 2005 has been entered.

Response to Arguments

2. Regarding the rejection over 35 USC §112, second paragraph, applicant's amendment has rendered the rejection moot.
3. Applicant's arguments filed 12 December 2006 have been fully considered but they are not persuasive.
4. Regarding the rejection of claim 7 over KOHSAKA, applicant argues that KOHSAKA does not disclose an apparatus which "adjusts a space." The Examiner disagrees. As best understood by applicant's disclosure, the structure on which applicant relies (i.e. reference numeral 222, a "height adjustment member") is not adjustable but rather maintains space between an upper cover and lower cover and is construed accordingly. Thus, the vertical connecting structure of KOHSAKA reads on applicant's claimed invention in that the structure maintains space between the upper

cover and lower cover. Regarding the rejection of claims 21-31 over KOHSAKA, applicant argues the newly introduced “wherein” clause. This is not persuasive because applicant’s “wherein” clause is considered intended use and not afforded significant patentable weight in the claimed apparatus, notwithstanding the fact that KOHSAKA discloses a washing passage 15 which may be construed to be formed by an upper cover portion and lower cover portion.

5. Regarding the rejection of claims 7 & 21-31 over LEE, applicant argues that “member 71 is merely a portion of a channel 70 disposed within the basket 30” citing Figures 2 and 5. This is not persuasive because Figures 2 & 5 are not solely relied upon by the Examiner as disclosing the inner and outer portions forming a water passage but rather, the Examiner relies upon Figure 1 and relative associated text, which discloses the inner tub formed from “a plurality of channels 70 are formed longitudinally, or from the bottom to the upper opening of the basket 30, on the inner wall of the dehydrating basket 30”. Clearly, a skilled artisan would understand the plurality of channels forming an “inner tub”. As best understood, it is further noted that the known concept of inner and outer walls of a wash tub forming a water passage is not considered the point of novelty in the instant application.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's limitation of "configured to adjust a space between the upper tub cover and the lower tub cover" is considered new matter. This broad "configured to" language reads on various structures not disclosed or supported by applicant's original disclosure.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "configured to adjust a space" since the structure relied upon by applicant appears only to serve as a spacer and does not appear to be used for any function of adjusting the height. Accordingly, the claim is construed to read on any structure which spaces the upper cover and lower cover. However, clarification and correction are still required.

Claim Rejections - 35 USC § 102

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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11. Claims 7, 21-31 are rejected under 35 U.S.C. 102(b) as being anticipated by KOHSAKA. KOHSAKA discloses a washing machine with an annular tub cover 19 having upper and lower portions thereby forming a liquid passage therebetween, and having vertical connecting members (read on "height adjusting members" (see Figure 1 and relative associated text). It is noted that the language "height adjusting" is afforded little weight since there is no structural arrangement for adjusting height but rather only forming a space between the upper and lower cover. Re claim 31, applicant's "configured to" language is anticipated because the cover forms the top part of water passage (15) and therefore is "configured to" allow washing water from the outer tub to the inner tub.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 7 & 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,509,283 to LEE *et al.* (hereinafter "LEE"). LEE discloses a washing machine having a wash tub with inner and outer tub portions forming a water passage (76), and a tub cover including an upper tub cover portion (50) and a lower tub portion (top of 71), along with vertically spaced members thereby forming water passage opening (81) (see Figures 1-3 and relative associated text). The position is taken that one of ordinary skill in the art would immediately recognize that the upper tub cover and lower tub cover are fastened together, particularly since upper portion (50)

requires support from the lower portion (clearly indicated in Figure 1). LEE discloses all the structural elements including an upper cover, lower cover and vertical elements thereinbetween. However, LEE does not explicitly disclose all of the components being separate parts configured to fasten together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lower tub cover and wash tub of LEE into separate components, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Nerwin v. Erlichman, 168 USPQ 177, 179.

Allowable Subject Matter

14. Claims 8-18 are allowed for reasons of record.

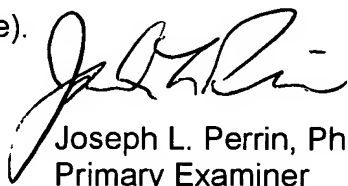
Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

jlP